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10/528,165	08/29/2005	Osamu Okauchi	OKUDP0107US	6478

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EXAMINER

ATALA, JAMIE JO

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,165	Applicant(s) OKAUCHI ET AL.	
	Examiner JAMIE JO VENT ATALA	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 5,7-13,18 and 20-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,14-17,19 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/25/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 5,7-13,18,20-26 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 21, 2009. Claims 1-4, 6, 14-17, 19, and 27-29 are currently pending (as per claims presented March 10, 2005).

2. The examiner notes that multiple set of claims are present in the application. The claim set on 8/29/2005 only includes Claims 1-26. In order for proper prosecution the examiner is considering the claims entered March 17, 2005 as this claim set contains pending claims 1-29 as set forth with the election of species requirement from applicant. Examiner requests clearing up this issue regarding pending claims.

Remarks

3. Claims 14-17 19, and 27 recite a method claim have been examined in regards to a 101 rejection. The specification discloses components (i.e. receiver) that provide communication beyond the capability of a human being to meaningfully receive using only human capabilities. The "receiving a video signal" step inherently requires the use of a receiver. Thus the receiving step is tied to a receiver/tuner and thus to a particular machine and is deemed statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6, 14-17, 19, 27-28 rejected under 35 U.S.C. 102(b) as being unpatentable over Fukuda (US 6,856,759).

[claim 1]

In regard to Claim 1, Fukda discloses a data storage apparatus comprising:

- a video signal receiving section for receiving a video signal representing video and aspect information to control aspect ratio of the video and an audio signal receiving section for receiving an audio signal representing audio (Figure 1 shows the receiving of video content);
- a detecting section for detecting the aspect information from the video signal (Figure 1 detectors 107 and 109);
- a stream generating section for generating encoded data by encoding the video and audio signals by a predetermined encoding technique and also generating an encoded stream as a set of the encoded data (Figure 1 elements 108 and 110);
- management information generating section for generating management information which is used to manage process of the encoded stream, the management information including the aspect information for each set of the

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encoded data (Figure 19 shows management information regarding the data stream); and

- a writing section for storing the management information and the encoded stream as at least one file on a storage medium (Figure 4).

[claim 2]

In regard to Claim 2, Fukuda discloses a data storage apparatus wherein when the set of the encoded data is treated as one sample, the management information generating section generates common aspect information for the video in each sample (Figure 19 shows the encoding of data set on sample as further described in Column 5 Lines 5-67).

[claim 3]

In regard to Claim 3, Fukuda discloses a data storage apparatus wherein when a plurality of samples are treated as one chunk, the management information generating section generates common aspect information for the video in each chunk (Figure 18-21 shows the chunk of GOP wherein each section of GOP having management information regarding the video data).

[claim 4]

In regard to Claim 4, Fukuda discloses a data storage apparatus wherein the management information generating section generates and stores the aspect information in a field of the management information for describing an attribute of each said sample (Figure 19 shows the aspect ratio for each chunk/GOP of data).

[claim 6]

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In regard to Claim 6, Fukuda discloses a data storage apparatus wherein the management information generating section generates and stores the aspect information in a field of the management information for describing user data with respect to the encoded stream (Figures 18-21).

[claim 14]

In regard to Claim 14, Fukuda discloses a data storage method comprising the steps of:

- receiving a video signal representing video and aspect information to control aspect ratio of the video; receiving an audio signal representing audio (Figure 1 shows the receiving of video content);
- detecting the aspect information from the video signal; generating encoded data by encoding the video and audio signals by a predetermined encoding technique and also generating an encoded stream as a set of the encoded data (Figure 1 shows the detecting of data that is further generated);
- generating management information which is used to manage process of the encoded stream, the management information including the aspect information for each set of the encoded data (Figure 19 shows management information regarding the data stream); and
- storing the management information and the encoded stream as at least one file on a storage medium (Figure 4).

[claim 15]

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In regard to Claim 15, Fukuda discloses a data storage apparatus wherein when the set of the encoded data is treated as one sample, the management information generating section generates common aspect information for the video in each sample (Figure 19 shows the encoding of data set on sample as further described in Column 5 Lines 5-67).

[claim 16]

In regard to Claim 16, Fukuda discloses a data storage apparatus wherein when a plurality of samples are treated as one chunk, the management information generating section generates common aspect information for the video in each chunk (Figure 18-21 shows the chunk of GOP wherein each section of GOP having management information regarding the video data).

[claim 17]

In regard to Claim 17, Fukuda discloses a data storage apparatus wherein the management information generating section generates and stores the aspect information in a field of the management information for describing an attribute of each said sample (Figure 19 shows the aspect ratio for each chunk/GOP of data).

[claim 19]

In regard to Claim 19, Fukuda discloses a data storage method wherein the step of generating the management information includes generating and storing the aspect information in a field of the management information for describing user data with respect to the encoded stream (Column 5 Lines 40+).

[claim 27]

In regard to Claim 27, Fukuda discloses a data playback apparatus comprising:

- a reading section for reading an encoded stream as a set of encoded data and management information which is used to manage process of the encoded stream from a storage medium, the encoded data including a video signal representing video and an audio signal representing audio that have been encoded by a predetermined encoding technique (Figure 1 shows the reading and recording of data);
- a decoding section for decoding the encoded stream into the video signal and the audio signal (Column 12 Lines 23-67 describes the decoding of data);
- an extracting section for extracting aspect information, which is defined for each said set of the encoded data to control the aspect ratio of the video, from the management information (Column 12 Lines 23-67 describes the extracting of data); and
- a superposing section for outputting the aspect information after having superposed the aspect information on the video signal (Column 12 Lines 23-67 describes the superposing of data with the aspect information).

[claim 28]

In regard to Claim 28, Fukuda discloses a data playback method comprising steps of: reading an encoded stream as a set of encoded data and management information which is used to manage process of the encoded stream from a storage medium(Figure 1 shows the receiving of video content); , the encoded data including a video signal representing video and an audio signal representing audio that have been encoded by a

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predetermined encoding technique; decoding the encoded stream into the video signal and the audio signal (Figure 1 shows the encoding and decoding of data); extracting aspect information, which is defined for each said set of the encoded data to control the aspect ratio of the video, from the management information; and outputting the aspect information that has been superposed on the video signal (Figures 18-21 shows the aspect ratio data that is present in the management information data).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (US 6,856,759) in view of Yamada et al (US 6,750,917).

[claim 29]

In regard to Claim 29, Fukuda discloses a data storage apparatus comprising: a video signal receiving section for receiving a video signal representing video and copy information indicating whether the video may or may not be recorded; an audio signal receiving section for receiving an audio signal representing audio (Figure 1); a detecting section for detecting the copy information from the video signal; a stream generating section for generating encoded data by encoding the video and audio signals by a predetermined encoding technique and also generating an encoded

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stream as a set of the encoded data (Figure 1 shows the generating and detecting of data); a management information generating section for generating management information which is used to manage process of the encoded stream (Figures 19-21 and described in Column 5 Lines 20+ describes the aspect ratio data as well as information regarding the data stream); however, fails to disclose , the management information including copy control information that includes copy protection information, showing a method of protecting the encoded stream from being copied, and status information indicating whether the copy protection information is valid or not; and a writing section for storing the management information and the encoded stream as at least one file on a storage medium if the copy information indicates that the video may be copied.

Yamada et al discloses a system containing data that determines if information is copy protected (Figure 21). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the data storing as disclosed by Fukuda, and further incorporate copy protection data with the data being processed, as disclosed by Yamada et al, in order to provide proper processing of data.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kanota (US 5,742,727).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO VENT ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621